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Counsel for Plaintiff the Institute for Justice

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

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	:	
(1) INSTITUTE FOR JUSTICE,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
(1) CHARLIE LASTER, Acting	:	
Chairperson of the Oklahoma Ethics	:	
Commission;	:	
(2) JARRED BREJCHA, Commissioner of	:	Case No. CIV-19-858-D
the Oklahoma Ethics Commission;	:	
(3) GREGG ENGLE, Commissioner of the	:	
Oklahoma Ethics Commission;	:	
(4) HOLLY JOHNSON, Commissioner of	:	
the Oklahoma Ethics Commission;	:	
(5) CATHY STOCKER, Commissioner of	:	
the Oklahoma Ethics Commission;	:	
(6) ASHLEY KEMP, Executive Director of	:	
the Oklahoma Ethics Commission,	:	
	:	
Defendants.	:	
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PLAINTIFF'S FIRST NOTICE OF SUPPLEMENTAL AUTHORITY

We write on behalf of the Institute for Justice (the "Institute") in the above-captioned matter to notify the Court, pursuant to LCvR 7.1(m), of a recent unanimous *per curiam* decision by the United States Supreme Court, *Thompson v. Hebdon*, No. 19-122, 2019 WL 6257598, 589

U.S. ____ (Nov. 25, 2019). We have attached a copy of the decision for Your Honor's convenience (Attachment 1). The decision summarily reverses the Ninth Circuit for failing to apply the Supreme Court's prior decision in *Randall v. Sorrell*, 548 U.S. 230 (2006), which also features prominently in the briefing in the present case. *See Thompson*, 2019 WL 6257598 at *1-*2; Mem. of Law in Support of Pl. the Institute for Justice's Mot. for a Prelim. Inj. ("Plaintiff's Mem.") at 16-17 (discussing *Randall v. Sorrell*'s application to this case) [Dkt. #4]; Reply Mem. of Law in Further Support of Pl. the Institute for Justice's Mot. for a Prelim. Inj. ("Plaintiff's Reply") at 8, 10-11 (same) [Dkt. #21].

The opinion is relevant to the Institute's argument that the holding of *Randall* applies *a fortiori* to this case, in that even under the more lenient First Amendment standard of review that courts have applied to monetary contributions to political campaigns, contribution limits far higher than the \$10 restriction on informational materials at issue here have been held unconstitutionally low. *See Thompson*, 2019 WL 6257598 at *1-*2; Plaintiff's Mem. at 16-17; Plaintiff's Reply at 8.

The opinion is also relevant to the Institute's argument that the outlier nature of Oklahoma Ethics Rule 5's gift restriction as applied to the provision of a \$15 book, as compared to the gift restrictions imposed by other states and the federal government, strongly supports a finding that Oklahoma Ethics Rule 5 imposes an unconstitutional burden on the Institute's speech. *See Thompson*, 2019 WL 6257598 at *1-*2; Plaintiff's Mem. at 2-3, 14-15; Plaintiff's Reply at 1.

We are prepared to provide any additional information that the Court requests.

Dated: December 4, 2019

Respectfully submitted,

GABLEGOTWALS

By: /s/ Adam C. Doverspike

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CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of December 2019, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing. Based on the records currently on file, the Clerk of the Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Stephanie N. McCord
mailto:Stephanie.mccord@ethics.ok.gov

/s/Adam C. Doverspike

Adam C. Doverspike